

REMARKS

A. Rejections Under 35 U.S.C. §102(b)

Claims 1-6 and 8 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,279,039 to Drew (1981). Claim 1 has been amended to specifically recite the fact that the visor region and eye sealing elements of the present invention are co-molded to create a unitary construction. The Drew patent - most notably FIG. 2 - discloses a composite construction in which an eyepiece (element 24), a flexible cap (element 10), and a seal structure (element 48) are combined by gluing the separate components together. *Drew* at Col. 3, Lines 55-66.

In order for a section 102(b) reference to invalidate a claim, every element and limitation found in the claim being analyzed must be disclosed within the piece of prior art. *Jamesbury Corp. v. Litton Indus. Products*, 756 F.2d 1556, 225 USPQ 253 (Fed.Cir. 1985); *Atlas Powder Company v. du Pont*, 750 F.2d 1569 (Fed.Cir. 1984); *American Hospital Supply v. Travenol Labs*, 745 F.2d 1 (Fed.Cir. 1984). The Applicant respectfully submits that the amended version of claim 1 is not anticipated by Drew. As claims 2-9 depend from claim 1, they are believed to be in condition for allowance as well.

B. Rejections Under 35 U.S.C. §103(a)

Claim 7 was rejected under 35 U.S.C. §103(a) on the basis of Drew in combination with U.S. Patent No. 3,755,819 to Douglas (1973). Douglas was cited for its disclosure of arms which may be releasably fastened together. The Applicant submits that the amendments to claim 1 render all claims patentable over the combination of Drew and Douglas.

Claim 9 was rejected under 35 U.S.C. §103(a) on the basis of Drew in combination with U.S. Patent No. 5,216,759 to Hewitt (1993). Hewitt was cited for its disclosure of an anti-fog

coating on a lens in the field of swimming eye protection. The Applicant submits that the amendments to claim 1 render all claims patentable over the combination of Drew and Douglas.

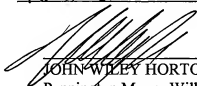
C. New Claims

New claims 10-12 have been submitted. All the elements and limitations recited in claims 10-12 are disclosed in the original specification. Claim 10 recites the use of three separate materials to create a mask of unitary construction. A first material is used for the visor region, a second material is used for the eye sealing elements, and a third material is used for the lens region(s). The three materials have differing hardnesses, with the eye sealing elements being softest and the lens region being hardest.

Claim 11 adds similar limitations regarding material hardness to the amended version of claim 1. Claim 12 adds the limitation of the visor region being formed of transparent silicone. Support for these claims is found in the original specification at Page 11 (varying hardnesses in a co-molding process, with the eye sealing elements being softest) and Page 14 (transparent silicone).

Based on the foregoing amendments and remarks, Applicant respectfully submits that the claims are now in condition for allowance.

Respectfully submitted this 30th day of November, 2007.



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